2:Evans-Pritchard E-5 (1931, 1936) 1951
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422 593 husband is alive the beasts count as part of his herd and the wives cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

428 593

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

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Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

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cousins, are endemic in Nuer society. Quarrels between half-brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin.

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive *wang-nen* cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bride-wealth, even if they are not ready to help him by gifts from their own herds.

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the

8:Howell E, G-5 (1942-1944)1954
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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 582 The laws concerning inheritance are not distinct, for the owner is normally expected to divide the cattle actually in his possession among his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

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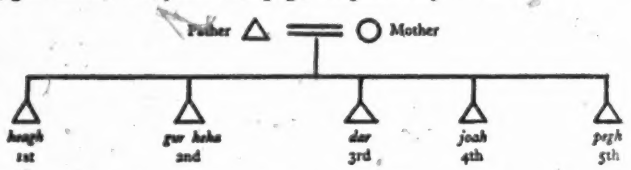
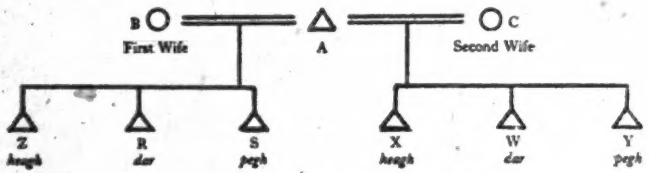
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *keagh*, *gur keka*, *dar*, *joah* and *pegh* respectively. Thus:



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *keagh* and ending with *pegh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.



Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own

[1] The terminology is interesting. The word *keagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur keka* (*gur keagh*) means simply 'the follower of the *keagh*'. *Dar* means 'middle', 'in the midst', *joah* or *joagh* means 'last', while *pegh* means 'end or limit'.

[2] See pp. 97–124.

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428 601 hut (*dwil*). They are half-brothers and half-sisters to the children of another wife of their father; these are *kwi luak* because the *luak* or cattle-byre is common to all, as is their father. The *kwi dwiel—kwi luak* distinction is also brought out in other terms of speech, as we have already seen; those who are *kwi dwiel* are *kwi man* or *mande* ('of the mother'), those who are *kwi luak* are *kwi gwan* or *gwande* ('of the father'). In normal speech these distinctions are not used because the context does not demand a distinction. A man's paternal uncle is referred to as *gwanlen*, whether he is a full or uterine brother of the man's father or a half-brother. A distinction is, however, demanded in matters of bridewealth distribution and inheritance. He is *gwanlen kwi luak* or *gwanlen kwi gwan* and so on. The first principle, therefore, of bridewealth distribution and the inheritance thereof is that there should be an equitable distribution on both sides of a family group described above. We have seen that each of the persons standing in a particular and accurately described relationship to the bride has a title to a portion of the bridewealth according to an ideal. This, however, concerns direct and contemporary claims. It becomes a matter of inheritance when the actual claimant is dead.

If the claimant is a male, the heirs to his title may be any one of his sons, though in bridewealth there is always a tendency to say that his sons by a woman who is not the mother of the bride should inherit in these circumstances. These are in fact half-brothers of the bride, and the system is one of mutual alternation, since the bride's uterine brothers already have a special portion and will expect in return to benefit on the marriage of the half-brothers' uterine sisters. Moreover the paternal grandfather's portion (*wangnen kwi gwan*) should always go to his son born of another wife and not to the son of the bride's paternal grandmother. This rule is applied with considerable exactitude unless no such person exists. If the claimant is a female, then her portion should always go to one of her own sons. For example, the paternal grandmother's portion (*wangnen kwi man*) goes to her own sons (other than the bride's father), i.e. one of the paternal uncles of the bride who are classified as *gwanlen kwi dwiel* or *kwi man*. Similarly, the bride's mother's portion should go to her own sons, i.e. the bride's uterine brothers.

428 601 231 These distinctions concern the different domestic units of a family group and of a minimal lineage, and govern the distribution and inheritance of claims on both the paternal and maternal sides. There are also indications within a single domestic unit as to which of the brothers should receive a particular cow. Thus, for example, the paternal grandmother's portion (*wangnen kwi man*) is said to be the right of her younger or youngest son (either the *dar*, *joah* or *pegh*). Similarly the cow called *puong* of the father's portion should go to his youngest son, i.e. the bride's youngest half-brother.

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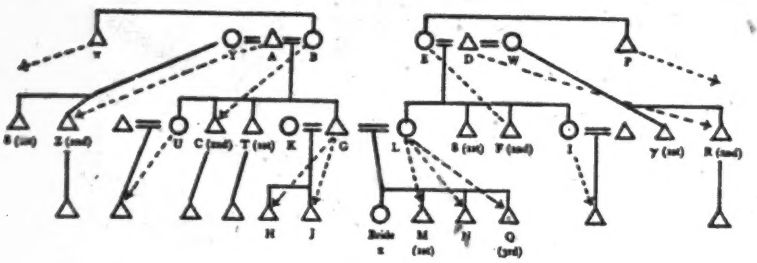

Conventional Indications Bridewealth Portions		*Claims on Cattle acquired on Marriage of x* *From*	*To*	
Gwandong	(paternal grandfather)	A	his younger son by Y	=Z
Mandong	(paternal grandmother)	B	her younger son by A	=C
Gwandong	(maternal grandfather)	D	his younger son by W	=R
Mandong	(maternal grandmother)	E	her younger son by D	=F
Gwan	(father)	G	his sons by K	=H and J (the *puong* to J)
Man	(mother)	L	her sons by G	=M, N and Q (the *puong* to Q)

Other portions go to the sons of the actual claimants without distinction.

Gwanlen kwi man	(father's brother by same mother)	=T or C and sons
Gwanlen kwi gwan	(father's brother by different mother)	=Z or δ and sons
Nar kwi man	(mother's brother by same mother)	=S or F and sons
Nar kwi gwan	(mother's brother by different mother)	=R or Y and sons
Wac	(father's sister)	=U to *her* sons
Manlen	(mother's sister)	=I to *her* sons
Nar gwan	(father's maternal uncle)	=π and sons
Nar man	(mother's maternal uncle)	=P and sons

The reader should compare the above diagram with those on pp. 102, 114–23.

There are therefore conventional indications based on distinctions within the family group of the various domestic components and on the seniority of the individual. These are illustrated in the diagram. It must be realized, however, that they are no more than indications because other principles and circumstances intervene. In the first place there is the rule that sons should be granted cattle from the family herd with which to marry in strict order of seniority, as already described. This rule is often incompatible with the conventional indications. In the second place persons to fill exactly the relationships required may not all exist. Finally, while alive, a man will have absolute authority in allotting cattle which are his by right among his own sons, and usually he declares a definite distribution before he dies. Here the indications to inheritance rights are not relevant, but they will be so in connexion with cattle which are acquired after his death, or if he dies suddenly without opportunity to make known his will.

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Cattle which are not necessarily part of the marriage distribution system, for example cattle acquired by a man in compensation for such wrongs as hurt and adultery, are not usually bound by these rules, and a man will allot them to his sons before his death, though he will always bear in mind the order of their marriages.

These rules apply generally to the inheritance of cattle by a man's sons. Sometimes, of course, a man has no sons, and in this case his property goes to his next of kin, his brother, or through his brother to his brother's sons, according to the normal rules of relationship of a patrilineal descent group. It must be remembered also that in inheriting a man's cattle the heir inherits his liabilities and claims—liabilities and claims which are in fact part of the system of obligations inherent in the kinship structure. For this reason, apart from cattle actually in a man's possession which pass in the way described above into the possession of his heirs, the laws of inheritance are extremely complicated. Which liabilities and which claims pass to which of the heirs is a question that is decided, and not necessarily immediately after death, by yet other liabilities and claims already in existence or which come to exist between the heirs. Inheritance is therefore an involved problem which requires a full understanding of the bridewealth system in relation to the obligations of kinship. Except for cattle acquired individually by payment of cash or, in the past, in cattle raids, and to some degree cattle acquired as compensation for wrongs, which are accepted within the kinship group as individually owned, inheritance involves all those rules which govern the collective ownership and distribution of cattle within a lineage.

Inheritance of Other Property

428

These observations apply mainly to cattle, but also to some extent to sheep and goats. Other corporeal property, including spears, shields, hoes, canoes, ornaments, and nowadays cash, is divided among a man's heirs by common agreement. In the case of cherished objects, particularly spears which have some sacred association, a man will sometimes indicate his heir before he dies, usually his eldest son. This practice is confirmed not only in everyday example but also in tradition. The original founder of a Nuer clan is often quoted as having decreed that this one of his sons shall perform a particular function in the political and spiritual activities of the clan, and that another son shall receive a particular cow, and so on. Since, however, arguments do not on the whole arise, there is no need for a complicated or exact system of law. Moreover, apart from cattle, or articles which have a recognized value in terms of cattle, Nuer possessions are so easily replaceable that no argument need arise. Disputes over small items of property never appear before the courts.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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588 768 611 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 588 768 Though a sister's son may marry a wife for his maternal uncle, a maternal uncle is forbidden to marry a wife for his sister's son. Nuer have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 588 768 In those cases I have investigated where a man has married his maternal uncle a wife he has done so because he has obtained possession of his maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* (" cattle of the ghosts "), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize " the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them.

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right.

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

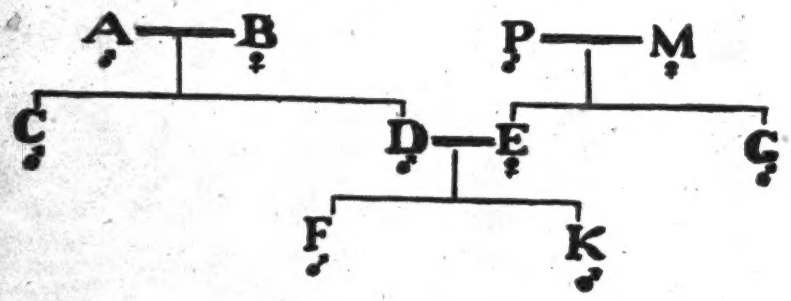

Diagram III

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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat dɛman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatdɛ*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) " for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle " for his sister has become his brother ", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage " your wife is like your sister " i.e. she stands in the place of your sister. I have recorded only one such marriage : the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 ●428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied : " No, certainly not. Is she not your mother's sister ? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a " cow of the paternal aunt " or a " cow of the maternal aunt ". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get " the cow of the mother's sister " but " the cow of the father's sister "

588 768

These vicarious marriages by women or on behalf of women are very

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 834 To describe sexual relations outside the union of marriage Nuer use the verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 582 The rules of exogamy which obtain for simple legal marriage apply also to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 431 428 588 587 The test of the nature of a procreative union is in the division of the bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor in ghost-marriage and leviritic marriage has no legal claim to the "cattle of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater.

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down.

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up.

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother.

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment

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593 602 428 that the groups differ. But when the sons become men, there is this difference between them. A son in the simple legal family has no property rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

604 428 When a man marries a wife to the name of his maternal uncle a more delicate and complicated set of interrelations are brought about. Such a marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind.

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicoko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuak-land. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son.

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*labe ram goal gule*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Labi gat joka, kweni cek thok dwielun*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsman. The con-

[1] After the Anuak word 'to die' (*thou*). It is equivalent to the Nuer name Bilieu.

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sequence of Cam's action in everyone's opinion is to be seen in the death of all Wia's brothers. The ghost of Dar ♂ is angry because his cattle have not been used to marry his son a wife, and he has killed his sons.

Wia's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dar ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wia ♂ he was inclined to accept the position in mute protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later his heart had hardened and he was more obstinate. He told me that he had first entered my service, come *rei Turuk*, "among the Turks", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wia was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wia's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wia to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wia's business to work with Englishmen to earn cattle for his own marriage. Wia said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussions on this theme. Wia himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wia was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wia's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mac* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tutgar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
884 more strongly binds a boy to them than the knowledge that they undertook the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Garena gaat ghok ko*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club. [578]

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

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588 428 the mother" may then mix with the genitor's herd and he held in trust by him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 428 593 When the widow lives at her lover's home and the children are brought up there the relations are more complex. The genitor has no legal control over his sons and if one of them has a disagreement with his genitor he will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them.

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always."

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat laka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l.meneme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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Diagram IX

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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588 428 ●

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*wec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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588 kinsmen and take his family with him. It is quite likely, moreover, that Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his
●428 recently espoused bride to his home, for she will be mistress of the home
593 and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588 428 593

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂--Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers.

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *gat laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine. By her Jany ♂ begat Karlual ♂,
588 Gogh ♂, Baranyai ♂, Nyaudol ♀,
428 and Nyaruithni ♀. Jany also
593 married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

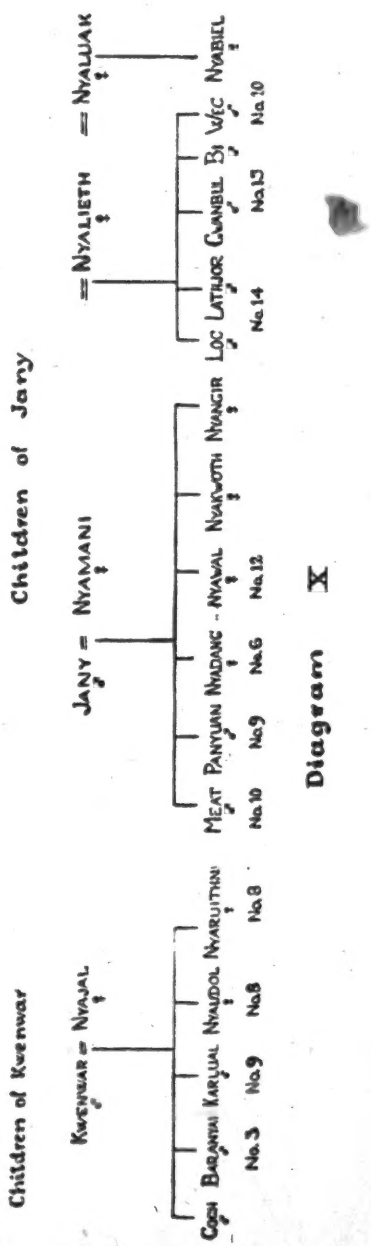

Diagram X

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family.

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*).

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.
428 The children of Kwenwar and the children of Jany are figured in
593 Diagram No. X. As previously explained, the persons shown there as
431 the children of Jany by Nyamani are legally the children of Col, the father of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very
587 sore at their talk of departure and recounted to me in detail all the cows and oxen they have received from the sons of Jany.
588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be among their true kinsmen, but that they will find that the sons of Jany
593 are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there". 587 588 428 593

If Baranyai ♂ depárts Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by himself.

●428 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

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a kind of kinship. Very often when a man has no legal children of his own he will join his natural children in their pater's village, as it is suggested that Juan will do and as Luak, the father of Rainen and Dol (Homestead No. VI), did.

A youth often asks his natural father for a gift. In fact *liem*, the begging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" in simple legal marriage, in ghost-marriage, in leviritic marriage, and in widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-